

U.S. Patent Application Serial No. 09/886,824  
Amendment – Office Action Dated: June 19, 2008  
Inventor: George Alfred Velius  
Attorney Docket No. 41942-52970

### **REMARKS**

Applicant deeply appreciates the indication that prior rejections under 35 U.S.C. § 103 and 35 U.S.C. § 112, written description, are overcome. A three-month extension of time fee is included. Deposit Account 20-0823 may be charged a fee of \$555 (1253/2253) for the extension fee. In addition, in the event that any additional fees are necessary, such fees are hereby authorized to be charged to our Deposit Account 20-0823.

### **Rejections under 35 U.S.C. § 112:**

Claims 23, 25-31, 52, 53 and 59 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with 35 U.S.C. § 101. Applicant deeply appreciates the indication on Page 6, Lines 6-11 that “an adaptive speaker identity verification system” is disclosed in the Applicant’s patent application and is illustrated in U.S. Patent No. 5,517,558, **which is a physical computing and speech analyzing machine**. In accordance with the Examiner’s helpful suggestion, Claim 23 is now amended so that each and every input is **solely** utilized with the adaptive speaker identity verification system and could not be construed as being independently performed as a mental step, abstraction, or algorithm. Therefore, only a machine, i.e., adaptive speaker identity verification system, can perform each and every function listed in Claim 23 so that any other way of performing the computations and receipt of data is specifically excluded. Moreover, it is also respectfully believed that data that corresponds to someone’s speech is not something that can be replicated manually and is so extraordinarily complex that only a processor can make these complex comparisons and computations. *In re Bilski*, 88 U.S.P.Q.2d

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1385 (Fed. Cir. 2008) states that the patent-eligibility of a “business method” invention in the United States will be limited to inventions that are tied to a particular machine or apparatus. In this case, every limitation in Claim 23 is **specifically and exclusively tied to adaptive speaker identity verification system**, which is recited in the Applicant’s patent application and is a **physical** computing and speech-analyzing machine described in U.S. Patent No. 5,517,558 as is acknowledged by the Examiner. Therefore, since Claim 23 is exclusively tied to a physical machine, it is respectfully believed that the rejection under 35 U.S.C. § 112, first paragraph, is overcome.

Moreover, since Claims 25-31, 52, 53 and 59 depend from and contain all of the limitations of Claim 23, Claims 25-31, 52, 53 and 59 are felt to overcome the rejection under 35 U.S.C. § 112, first paragraph, since these are only additional limitations to Claim 23 and can only be solely and exclusively performed with a machine, i.e., adaptive speaker identity verification system, which is recited in the Applicant’s patent application and is a physical computing and speech analyzing machine described in U.S. Patent No. 5,517,558 as is acknowledged by the Examiner.

Therefore, it is respectfully believed that Claims 23, 25-31, 52, 53 and 59 overcome the rejection under 35 U.S.C. § 112, first paragraph, by being amended so that a physical machine is the sole and exclusive mechanism for carrying out the claimed Invention.

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**Rejections under 35 U.S.C. § 101:**

Claims 23, 25-31, 52, 53 and 59 were rejected under 35 U.S.C. § 101. Applicant deeply appreciates the indication on Page 6, Lines 6-11 that “an adaptive speaker identity verification system” is disclosed in the Applicant’s patent application and is illustrated in U.S. Patent No. 5,517,558, **which is a physical computing and speech-analyzing machine**. In accordance with the Examiner’s helpful suggestion, Claim 23 is now amended so that each and every input is **solely** utilized with the adaptive speaker identity verification system and could not be construed as being independently performed as a mental step, abstraction, or algorithm. Therefore, only a machine, i.e., adaptive speaker identity verification system, can perform each and every function listed in Claim 23 so that any other way of performing the computations and receipt of data is specifically excluded. Moreover, it is also respectfully believed that data that corresponds to someone’s speech is not something that can be replicated manually and is so extraordinarily complex that only a computer can make these complex comparisons and computations. *In re Bilski*, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008) states that the patent-eligibility of a “business method” invention in the United States will be limited to inventions that are tied to a particular machine or apparatus. In this case, every limitation in Claim 23 is **specifically and exclusively tied to adaptive speaker identity verification system**, which is recited in the Applicant’s patent application and is a physical computing and speech-analyzing machine described in U.S. Patent No. 5,517,558 as is acknowledged by the Examiner. Therefore, since Claim 23 is exclusively tied to a physical computing and speech-analyzing machine, it is respectfully believed that the rejection under 35 U.S.C. § 101 is overcome.

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Moreover, since Claims 25-31, 52, 53 and 59 depend from and contain all of the limitations of Claim 23, Claims 25-31, 52, 53 and 59 are felt to overcome the rejection under 35 U.S.C. § 101, since these are only additional limitations to Claim 23 and can only be solely and exclusively performed with a machine, i.e., adaptive speaker identity verification, which is recited in the Applicant's patent application and is a physical computing and speech analyzing machine described in U.S. Patent No. 5,517,558 as is acknowledged by the Examiner.

Therefore, it is respectfully believed that Claims 23, 25-31, 52, 53 and 59 overcome the rejection under 35 U.S.C. § 101, by being amended so that a physical machine is the sole and exclusive mechanism for carrying out the claimed Invention.

Claims 35, 37-39, 41-44 and 54-58 were rejected under 35 U.S.C. § 101. Applicant deeply appreciates the indication on Page 6, Lines 6-11 that "an adaptive speaker identity verification system" is disclosed in the Applicant's patent application and is illustrated in U.S. Patent No. 5,517,558, **which is a physical computing and speech-analyzing machine.** In accordance with the Examiner's helpful suggestion, Claim 35 is now amended so that each and every input is **solely** utilized with the adaptive speaker identity verification system and could not be construed as being independently performed as a mental step, abstraction, or algorithm. Therefore, only a machine, i.e., adaptive speaker identity verification system, can perform each and every function listed in Claim 35 so that any other way of performing the computations and receipt of data is specifically excluded. Moreover, it is also respectfully believed that data that corresponds to someone's speech is not something that can be replicated manually and is so extraordinarily complex that only a computer can make these complex comparisons and

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computations. *In re Bilski*, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008) states that the patent-eligibility of a “business method” invention in the United States will be limited to inventions that are tied to a particular machine or apparatus. In this case, every limitation in Claim 35 is specifically tied to adaptive speaker identity verification system, which is recited in the Applicant’s patent application and is a physical computing and speech-analyzing machine described in U.S. Patent No. 5,517,558 as is acknowledged by the Examiner. Therefore, since Claim 35 is exclusively tied to a physical machine, it is respectfully believed that the rejection under 35 U.S.C. § 101 is overcome.

Moreover, since Claims 37-39, 41-44 and 54-58 depend from and contains all of the limitations of Claim 35, Claims 37-39, 41-44 and 54-58 are felt to overcome that the rejection under 35 U.S.C. § 101, since these are only additional limitations to Claim 35 and can only be solely and exclusively performed with a machine, i.e., adaptive speaker identity verification system, which is recited in the Applicant’s patent application and is a physical computing and speech analyzing machine described in U.S. Patent No. 5,517,558 as is acknowledged by the Examiner.

Therefore, it is respectfully believed that Claims 35, 37-39, 41-44 and 54-58 overcome the rejection under 35 U.S.C. § 101, by being amended so that a physical computing and speech analyzing machine is the sole and exclusive mechanism for carrying out the claimed Invention.

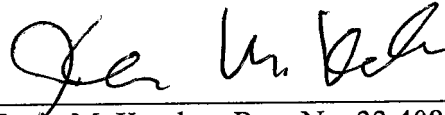
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**CONCLUSION**

Therefore, it is now believed that all of the pending Claims in the present application are in condition for allowance. Favorable action and allowance of the Claims is therefore respectfully requested. If any issue regarding allowability of any of the pending Claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's Amendment, or if the Examiner should have any questions regarding the present Amendment, it is respectfully requested that the Examiner please telephone the Applicant's undersigned attorney in this regard.

Respectfully submitted,

By:



Kevin M. Kercher, Reg. No. 33,408

**Thompson Coburn LLP**

One US Bank Plaza

St. Louis, MO 63101-1693

(314) 552-6345

(314) 552-7345 (fax)

Attorney for Applicant

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